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EXAMINER

BASOM, BLAINE T

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| ART UNIT | PAPER NUMBER |
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2173

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,527

Applicant(s)

AUSTIN ET AL.

Examiner

Blaine Basom

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 89-122 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 89-122 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/22/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Response to Arguments***

Regarding independent claims 89, 105, 106, and 122, the Applicants note that each of these claims comprises subject matter which, in a previous Office Action, was indicated as allowable. The Applicants thus submit that each of claims 89, 105, 106, and 122, in addition to the claims dependent therefrom, are allowable. In response, the Examiner respectfully notes that the indicated allowability is withdrawn in view of the newly discovered references to Morimoto (U.S. Patent No. 6,247,013), Semenzato (U.S. Patent No. 5,903,728), and Goldberg et al. (U.S. Patent No. 5,692,213). Rejections based on the newly cited references follow.

Claim Objections

Claims 90-92, 95-99, 101-102, 107-109, 111-116, and 118-119 are objected to because of the following informalities: In claims 90-92, 95-98, and 101-102, the phrase “the GUI element” renders each of these claims unclear. Claim 89, upon which each of these claims depends, recites a GUI element in its preamble, but also recites a first and second GUI element. It is understood that “the GUI element” in each of claims 90-92, 95-98, and 101-102 refers to either this first or second GUI element, and for clarity, should be amended accordingly. Similarly the phrase, “the GUI element,” renders each of claims 107-109, 111-115, and 118-119 unclear. Claim 106, upon which each of these claims depends, recites a GUI element in its preamble, but also recites a first and second GUI element. It is understood that “the GUI element” in each of claims 107-109, 111-115, and 118-119 refers to either this first or second GUI element, and for

Art Unit: 2173

clarity, should be amended accordingly. Additionally, in claims 99 and 116 the phrase, “a plurality of interconnected nodes what visually represent functionality,” is understood to be grammatically incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 95, 101, 105, 112, 118, and 122 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In each of claims 95, 101, 112, and 118 there is no antecedent basis for “said automatically configuring the GUI element.” In claims 105 and 122, there is no antecedent basis for “the method.”

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2173

Claims 89-95, 100, 101, and 103-112, and 117-118, and 120-122 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,247,013, which is attributed to Morimoto. In general, Morimoto presents a system for protecting Internet information provided by a content provider, whereby hyperlinks, i.e. anchors, that access the information are checked to ensure that they are proper (for example, see column 2, line 55 – column 3, line 23). For example, upon selection by the user, the hyperlinks may be checked to ensure that they are in a web page provided by the content provider (see column 6, line 49 – column 7, line 15). In describing such a system, Morimoto teaches configuring a graphical user interface (GUI) element to subscribe to a data source.

Specifically regarding claims 89 and 105, Morimoto discloses that a web browser, understood to comprise a graphical user interface, may be used to access and display a web page (see column 1, lines 8-24). Such a web page may comprise an anchor, which as known in the art, is associated with a URL denoting the location of a data file on the Internet (see column 1, lines 24-30). Morimoto discloses that upon selecting the anchor, it is determined whether or not the browser can process and display the type of data within the file, and if not, the browser instantiates a specific application, such as a plug-in or helper application, in order to display the data (for example, see column 1, line 30 – column 2, line 32). It is understood that this plug-in or helper application may comprise its own GUI elements in order to display the data, as is known in the art. Consequently, Morimoto is considered to teach a method for configuring a GUI element to subscribe to a data source, the method comprising: displaying a first GUI element, specifically associated with a web browser, on a display of a first computer system; receiving user input specifying an anchor, and thus a data source with which to associate the first

Art Unit: 2173

GUI element; in response to receiving the user input, automatically configuring the first GUI element to receive and display data from the specified data source; the first computer system receiving data from the specified data source, wherein the data includes information specifying a first data type of the data; automatically determining that the first GUI element cannot display data of the first data type; automatically substituting a second GUI element, specifically one associated with a plug-in or helper application, for the first GUI element, wherein the second GUI element can display data of the first data type; and displaying the received data from the specified data source on the second GUI element. It is understood that this method is implemented with a computer, and specifically, that the browser and plug-in or helper application are instantiated upon this computer (for example, see column 1, line 44 – column 2, line 21). Such a computer implementing the above-described method of Morimoto is considered to comprise a memory medium, like that recited in claim 105, which stores program instructions for configuring a GUI element to subscribe to a data source.

In reference to claims 106 and 122, Morimoto teaches displaying a first GUI element, such as for example, a browser window associated with a browser application; receiving user input, particularly via an anchor, thus specifying a data source with which to associate the first GUI element; in response to receiving the user input, automatically configuring the first GUI element to receive and display data from the specified data source; the first computer system receiving data from the specified data source, wherein the data includes information specifying a first data type of the data; automatically determining if the first GUI element can display data of the first data type; and if the first GUI element cannot display data of the first data type, automatically displaying a second GUI element, such as a window associated with a helper

Art Unit: 2173

application, wherein the second GUI element can display data of the first data type. This automatic display of the second GUI element is considered an indication to the user of an invalid condition, specifically that the first GUI element, that associated with the browser, cannot display data of the first data type. Additionally it is understood that, as known in the art, if the first computer does not comprise an appropriate helper application for the first type of data, and the browser cannot display the first type of data, the browser would display an indication of an invalid condition. Accordingly, Morimoto is considered to teach a method like that recited in claim 106. It is understood that this method is implemented with a computer, and specifically, that the browser and plug-in or helper application are instantiated upon this computer (for example, see column 1, line 44 – column 2, line 21). Such a computer implementing the above-described method of Morimoto is considered to comprise a memory medium, like that recited in claim 122, which stores program instructions for configuring a GUI element to subscribe to a data source.

Concerning claims 90 and 107, it is understood that the data source may be located remotely from the first computer system, and coupled to the first computer system over a network, wherein as known in the art, the data source is specified by a URL associated with the anchor (for example, see column 1, lines 44-65; and column 6, line 49 – column 7, line 15). Consequently, it is further understood that configuring the first GUI element, namely that associated with the web browser, comprises automatically configuring the element to connect to the data source in order to receive data from the source.

As per claims 91-93 and 108-110, Morimoto teaches that the only user input involved in configuring a GUI element to receive and display data from a data source is that of selecting an

Art Unit: 2173

anchor specifying the data source, as is described above. The GUI element is thus considered to be automatically configured without user programming and without user input specifying source code. The window displaying such an anchor is considered a dialog box, like recited in claim 93, as it is a window displayed by the browser to solicit a response from the user.

Concerning claims 94 and 111, it is understood that the GUI element described by Morimoto, specifically the GUI element associated with the plug-in or helper application, necessarily receives and displays data from the specified data source after it is configured to do so, as is described above.

With respect to claims 95 and 112, Morimoto discloses that the first data source is comprised in a second computer system, namely a "contents server," which is remotely located from the first computer system of the user, wherein the first computer system is operable to connect to the second computer system over a network, specifically the Internet (for example, see column 1, lines 44-65). Consequently, it is understood that configuring the GUI element comprises automatically configuring the GUI element to connect to the second computer system and receive and display data from the specified data source.

Regarding claims 100-101 and 117-118, Morimoto discloses that the specified data source may be a WWW server (see column 1, lines 44-65). Since the WWW implements HTTP, as is known in the art, such a server is considered an "HTTP server" like recited in claims 100 and 117. Morimoto thus discloses that this data source may be remotely located from the computer system of the user, and therefore, Morimoto teaches that the first data source is a remote data source associated with a remote computer, wherein automatically configuring the

Art Unit: 2173

GUI element comprises automatically configuring the GUI element to connect to the remote data source and receive and display data from the remote data source during program execution.

In reference to claims 103-104 and 120-121, Morimoto teaches a method like that of claims 89 and 106, whereby as described above, a GUI element of a plug-in is automatically configured to connect to a specified remote data source and receive and display data from the remote data source. Since the type of data received from the data source is arbitrary, it is understood that the data may be live data, like recited in claims 103 and 120, or measurement data, like recited in claims 104 and 121.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 89, 96-99, 106 and 113-116 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,903,728, which is attributed to Semenzato. In general, Semenzato presents a system in which plug-ins are executed as a separate process from their associated platform process (for example, see column 3, lines 15-35). Semenzato discloses that such an associated platform process may be a browser application, whereby the plug-in comprises user interface elements, separate from those of the browser (for example, see column 3, lines 15-35; and column 4, lines 3-29). As known in the art (for example, see the teachings of Morimoto described above), such plug-ins that are associated with browsers may be instantiated in response to the browser application receiving from a user-specified source a type of data in

Art Unit: 2173

which it cannot process. In such circumstances, a first GUI element, particularly that associated with a browser, is displayed on a display of a first computer system; user input specifying a data source with which to associated the first GUI element is received; in response to receiving the user input, the first GUI element is automatically configured to receive and display data from the specified data source; the first computer system receives data from the specified data source, wherein the data includes information specifying a first data type of the data; it is automatically determined that the first GUI element cannot display data of the first data type; a second GUI element, specifically that associated with a plug-in, is automatically substituted for the first GUI element, wherein the second GUI element can display data of the first type; and the received data from the specified data source is displayed on the second GUI element. Consequently, Semenzato is considered to teach a method like that recited in claim 89. This automatic display of the second GUI element is considered an indication to the user of an invalid condition, specifically that the first GUI element, that associated with the browser, cannot display data of the first data type. Additionally it is understood that, as known in the art, if the first computer does not comprise an appropriate plug-in for the first type of data, and the browser cannot display the first type of data, the browser would display an indication of an invalid condition. Accordingly, Morimoto is considered to teach a method like that recited in claim 106. As per claims 96 and 113, Semenzato discloses that such a method may be implemented during development of a first computer program, specifically the plug-in (see column 1, line 60 – column 2, line 34). The GUI element is thus associated with a first computer program, namely a plug-in, wherein displaying the GUI element comprises including the GUI element in a user interface associated with the plug-in, and wherein user input specifying the data source is

Art Unit: 2173

received during development of the plug-in. Concerning claims 97, 98, 114, and 115, it is understood that, during execution, either of the plug-in or browser is operable to receive and display data from the specified data source, as is described above. Regarding claims 99 and 116, the plug-in is considered a graphical program comprising a plurality of interconnected nodes that visually represent functionality of the plug-in. For example, the GUI of the plug-in is understood to comprise a plurality of interconnect nodes, which generate a display of the GUI elements, and which thus visually represent functionality of the graphical program.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 102-104 and 119-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. Patent of Morimoto, which is described above, and also over U.S. Patent No. 5,692,213, which is attributed to Goldberg et al. (and hereafter referred to as "Goldberg"). As described above, Morimoto teaches a method like that of claims 89, 101, 106, and 118, whereby a GUI element of a plug-in is automatically configured to connect to a specified remote data source and receive and display data from the remote data source. As the type of data received from the data source is arbitrary, it is understood that the data may be live data or measurement data like recited in claims 103 and 104, respectively. Morimoto, however, does not explicitly

Art Unit: 2173

teach executing a computer program operable to publish live data to the remote data source, as is expressed in claims 102 and 119.

Like Morimoto, Goldberg discusses receiving and displaying data from over a network, specifically live presentation data (for example, see column 1, lines 35-64. Goldberg particularly teaches publishing, understandably via a program, the live data to the server from which it can be received by one or more users operating client computers (for example, see column 3, lines 46-64).

Therefore it would have been obvious to one of ordinary skill in the art, having the teachings of Morimoto and Goldberg before him at the time the invention was made, to modify the plug-in taught by Morimoto, such that it may access and display live presentation data, published via a program, like taught by Goldberg. It would have been advantageous to one of ordinary skill to utilize this combination because such data is useful, for example, for viewing presentations, as is demonstrated by Goldberg. The teachings of Morimoto, as modified by Goldberg, would thus have a broader range of uses.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. The applicant is required under 37 C.F.R. §1.111(C) to consider these references fully when responding to this action. The Pashupathy et al. U.S. Patent cited therein, like Morimoto and Semenzato described above, teaches receiving content over a

Art Unit: 2173

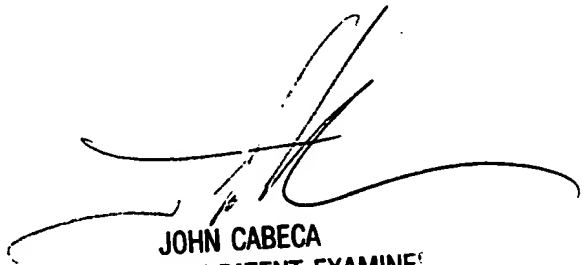
network using a browser and if the browser cannot display the content, choosing a plug-in application based on the data type of the content.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb



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